

PATENT
Customer No. 22,852
Attorney Docket No. 06556.0003-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
John POLK) Group Art Unit: 2161
Application No.: 09/975,241) Examiner: E. Cosimano
Filed: October 12, 2001) Confirmation No. 2371
For: METHOD AND APPARATUS FOR CHILD)
PAYMENT PROCESSING AND CHILD)
SUPPORT DISBURSEMENT)
PROCESSING BY A PROCESSING)
ENTITY)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL NOTICE OF RELATED LITIGATION AND
INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. § 1.56, as clarified by § 2001.06(c) of the Manual of Patent Examining Procedure, Applicant has previously notified the Examiner that U.S. Patents Nos. 6,119,107 (the '107 patent) and 5,946,669 (the '669 patent), two patents related to the above-captioned application, have been the subject of one or more litigations. By this Supplemental Notice, Applicants now notify the Examiner of continuing developments related to the litigations.

Specifically, the litigation related to the '107 patent and the '669 patent in the United States District Court for the District of Minnesota (Civ. Action No. 02-CV-1321

DWF/JSM) between plaintiff Pay Child Support Online Inc (PCSO) and defendant ACS State & Local Solutions, Inc., hereinafter the "PCSO litigation," has been concluded.

In the PCSO litigation, defendant ACS filed a Memorandum of Law in Support of Its Motion for Summary Judgment of Validity and Literal Infringement, attached as Exhibit A (with the redaction of confidential portions). The motion alleged that the '669 and '107 patents were not invalid and that certain asserted claims were literally infringed. In response, plaintiff PCSO and counter-defendants King, PSI, and Hill filed a Memorandum of Law Opposing Motion for Summary Judgment, attached as Exhibit B (with the redaction of confidential portions). In reply, defendant ACS filed a Reply Memorandum in Support of its Motion for Summary Judgment, attached as Exhibit C (with the redaction of confidential portions). Following a summary judgment hearing on November 14, 2003, the court subsequently requested supplemental briefing on the issue of obviousness in an Order attached as Exhibit D. In response to the court's request, defendant ACS filed a Supplemental Brief on Obviousness in Support of its Motion for Summary Judgment, attached as Exhibit E, and plaintiff PCSO and counter-defendants King, PSI, and Hill filed a Brief Regarding Obviousness, attached as Exhibit F. Following the filing of the supplemental briefs, defendant ACS also filed a Response to the New Issues Raised in PCSO's Supplemental Brief on Obviousness, attached as Exhibit G, and plaintiff PCSO and counter-defendants King, PSI, and Hill filed a Response to New Issues Raised by ACS, attached as Exhibit H.

On April 5, 2004, the court issued a ruling on the motion for summary judgment, attached as Exhibit I. The court found that the asserted claims were literally infringed. The court also found no anticipation under § 102.

On July 22, 2004, PCSO and ACS filed a Joint Motion for Entry of Order of Judgment, attached as Exhibit J. In the Joint Motion, PCSO, King, PSI, and Hill agreed that the '669 and '107 patents are valid and enforceable. Notably, they admitted that they had no basis for alleging invalidity and that they are not aware of any prior art that would invalidate any claim of either the '669 patent or the '107 patent.

On July 28, 2004, the Court issued an Order of Judgment, attached as Exhibit K, holding that, among other things, the '669 and '107 patents are valid and enforceable. These findings were confirmed by the Final Judgment issued on July 29, 2004, attached as Exhibit L.

Information Disclosure Statement

The documents referred to herein are included in a binder entitled "Attachment to Supplemental Notice of Related Litigation and Information Disclosure Statement" and are listed on the enclosed Form PTO-1449.

This submission of documents does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and the Applicant determines that the cited documents do not constitute "prior art" under United States law, the

Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


The Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Please charge any required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

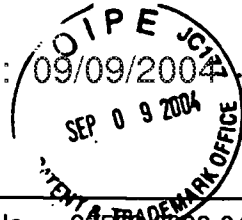
Dated: September 9, 2004

By:  Reg. No. 47,684
Lionel M. Lavenue
for Reg. No. 46,859

Receipt date: 09/09/2004

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OMB No. 0651-0011

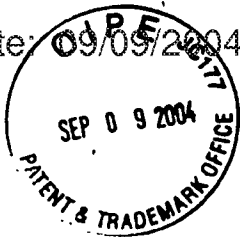


INFORMATION DISCLOSURE CITATION

Atty. Docket No. 06558-0003-04	Application Serial No. 09/975,241
Applicant: John D. POLK	
Filed: October 12, 2001	Group: 2161

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , ACS's Memorandum of Law in Support of Its Motion for Summary Judgment of Validity and Literal Infringement , 29 pages, September 16, 2003 (Exhibit A).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , PCSO, PSI and Hill's Memorandum of Law Opposing Motion for Summary Judgment , 31 pages, October 21, 2003 (Exhibit B).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , ACS' Reply Memorandum in Support of its Motion for Summary Judgment of Validity and Literal Infringement , 22 pages, October 28, 2003 (Exhibit C).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , Order , 2 pages, December 12, 2003 (Exhibit D).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , ACS's Supplemental Brief on Obviousness in Support of ACS' Motion for Summary Judgment , 14 pages, January 12, 2004 (Exhibit E).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , PCSO, PSI and Hill's Brief Regarding Obviousness , 10 pages, January 12, 2004 (Exhibit F).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , ACS's Response to the New Issues Raised in PCSO's Supplemental Brief on Obviousness , 8 pages, January 23, 2004 (Exhibit G).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , PCSO, PSI and Hill's Response to New Issues Raised by ACS , 3 pages, January 29, 2004 (Exhibit H).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , Memorandum Opinion and Order , 22 pages, April 5, 2004 (Exhibit I).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , Joint Motion for Entry of Order of Judgment , 6 pages, July 22, 2004 (Exhibit J).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , Order of Judgment , 3 pages, July 28, 2004 (Exhibit K).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , Judgment in a Civil Case , 2 pages, July 29, 2004 (Exhibit L).
Examiner	/Hani Kazimi/
Date Considered	09/10/2009
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
Form PTO 1449	
Patent and Trademark Office - U.S. Department of Commerce	

Receipt date: 09/09/2004



09975241 - GAU: 3691

PATENT

Customer No. 22,852

Attorney Docket No. 6556.0003-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John POLK

Serial No.: 10/374,968

Filed: February 28, 2003

For: METHODS AND APPARATUS
FOR CHILD SUPPORT PAYMENT
PROCESSING AND CHILD
SUPPORT DISBURSEMENT
PROCESSING BY A
PROCESSING ENTITY

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)
) Group Art Unit: 3269

)
) Examiner: Unassigned

)
) Confirmation No. 2457

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**ATTACHMENT TO SUPPLEMENTAL NOTICE OF RELATED
LITIGATION AND INFORMATION DISCLOSURE STATEMENT**